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the law in that state. *Held*, the son cannot succeed. *Martin v. Battey*, 125 Pac. 88 (Kan.).

It is well settled that a person cannot take a benefit under a will and at the same time assert a right that will defeat its full effect and operation. *Cooper v. Cooper*, L. R. 7 H. L. 53; *Crawford v. Bloss' Estate*, 114 Mich. 204, 72 N. W. 148. And even though a person acts in ignorance of a material fact, he cannot later assert a title against the will unless he makes restitution. *Farmington Savings Bank v. Curran*, 72 Conn. 342, 44 Atl. 473; *Watson v. Watson*, 128 Mass. 152. The same equitable principle which requires an election also denies the power to divide the will in making the election. *Crawford v. Bloss' Estate*, *supra*; *Powell's Estate*, 225 Pa. 518, 74 Atl. 421. Clearly, therefore, in the principal case the husband could not take under the will in Illinois and against it in Kansas. And since he had enjoyed all of the property for life, his son was incapable of adequately restoring the benefits received under the will. Consequently, the son could not fairly raise the question as to a valid election in Kansas. *Cf. Hawkins v. Bohling*, 168 Ill. 214, 48 N. E. 94.

EVIDENCE — OPINION EVIDENCE — COMPARISON BY NON-EXPERT OF LOST DISPUTED WRITINGS WITH GENUINE WRITINGS IN COURT. — On an issue as to the genuineness of a writing which had been lost the testimony was offered of a witness who had seen the lost writing and had compared his impression of it with admittedly genuine specimens introduced in evidence for the purpose of comparison. *Held*, that the evidence is admissible. *Cochran v. Stein*, 136 N. W. 1037 (Minn.). See NOTES, p. 167.

ILLEGAL CONTRACTS — CONTRACTS AGAINST PUBLIC POLICY — OUSTING COURTS OF JURISDICTION: AGREEMENT TO SUBMIT TO TRIBUNALS OF MUTUAL BENEFIT SOCIETY. — The plaintiff's husband died during proceedings for a mandamus to reinstate him to membership in a mutual benefit society, from which he had been expelled by a tribunal of the society composed of interested parties. The plaintiff sued as beneficiary. *Held*, that the plaintiff may recover. *Wilcox v. Supreme Council Royal Arcanum*, 151 N. Y. App. Div. 297, 136 N. Y. Supp. 377.

The decisions of the tribunals of mutual benefit societies are treated as quasi-judicial, so long as the proceedings are according to the rules of the society and not illegal otherwise. *Kelly v. Grand Circle Women of Woodcraft*, 40 Wash. 691, 82 Pac. 1007. All appeals required by the society must be taken before coming to court. *Supreme Council Order of Chosen Friends v. Forsinger*, 125 Ind. 52, 25 N. E. 129. The decisions of these bodies are subject to collateral attack only when void. *Black & White Smiths' Society v. Vandye*, 2 Whart. (Pa.) 309. See *Croak v. High Court Independent Order of Foresters*, 162 Ill. 298, 44 N. E. 525. In the principal case the judgment is void because the tribunal was composed of interested parties. *Gay v. Minot*, 3 Cush. (Mass.) 352; *Templeton v. Giddings*, 12 S. W. (Tex.) 851. But see *Findley v. Smith*, 42 W. Va. 299, 305, 26 S. E. 370, 372. Even where the by-laws expressly provide against resort to the courts, such resort may nevertheless be had, and, when proper, by collateral attack. *Pepin v. Société St. Jean Baptiste*, 23 R. I. 81, 49 Atl. 387; *Whitney v. National Masonic Accident Association*, 52 Minn. 378, 54 N. W. 184. *Contra*, *Van Poucke v. Netherland St. Vincent de Paul Society*, 63 Mich. 378, 29 N. W. 863. The common law in general considers contracts which bind parties to submit finally to the decision of any tribunal other than the courts, illegal as against public policy, because the jurisdiction of the courts must not be usurped. *Baltimore & Ohio R. Co. v. Stankard*, 56 Oh. St. 224, 46 N. E. 577. *A fortiori* resort may be had where there is no express provision against it. *Supreme Lodge Order of Select Friends v. Raymond*, 57 Kan. 647, 47 Pac. 533.